

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

ADAMS LAND & CATTLE CO.,	)	
	)	
Plaintiff,	)	8:06CV486
	)	
v.	)	
	)	
THE HARTFORD FIRE INSURANCE	)	ORDER
COMPANY, HEATH LAMBERT GROUP,	)	
CATLIN SYNDICATE LIMITED,	)	
DORNOCH LIMITED, WELLINGTON (FIVE)	)	
LIMITED, and STEPHEN DALE MATHERS,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court on plaintiff's motion for determination for place of trial (Filing No. 35) and the defendants' briefs in opposition to plaintiff's motion (Filing Nos. 44 and 46). The Court has reviewed the respective filings of the parties, including the indexes of evidence submitted in support of their respective positions (Filing Nos. 37, 45 and 47).

This action was initially filed in the District Court of Hall County, Nebraska, and was timely removed on July 13, 2006. At the time of the filing of the notice of removal, a demand for jury trial and request for trial at Omaha was filed by the defendants (Filing Nos. 1 and 3). Subsequently, on July 19, 2006, the plaintiff filed a demand for trial by jury and request for place of trial at North Platte (Filing No. 13). However, plaintiff failed to comply with NECivR 40.1 of the Local Rules of

this Court which required that at the time of filing an opposition to the removing parties designation of place of trial, the objection must be accompanied by an affidavit. No such affidavit was filed until December 12, 2006 (Filing No. 37).

The Nebraska General Rules 1.1(c) provides that notwithstanding anything to the contrary, "a judge of this Court may deviate from this rule or any other rule or procedure adopted by this Court when the interests of justice will be served by such deviation."

This case justifies such deviation. Upon review of the respective briefs and showings of the parties, it appears to the Court that Omaha, Nebraska, will be the more convenient site for the trial of this case. Many of the witnesses live not only outside the State of Nebraska, but some of them even outside of the United States. Even when the plaintiff originally filed this case, it was not filed in Lincoln County, Nebraska, the site of North Platte, but was filed in Hall County, Nebraska, some 140 miles to the east.

Under all the circumstances, the Court is convinced that the designation of Omaha is the appropriate designation for the trial of this case and plaintiff's objection to defendants' request will be denied. This case will be docketed for trial in Omaha, Nebraska. Accordingly,

IT IS ORDERED that plaintiff's motion to change place of trial is denied. Trial of this action will be in Omaha, Nebraska.

DATED this 31st day of January, 2007.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court